

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
BEFORE THE RHODE ISLAND STATE LABOR RELATIONS BOARD

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IN THE MATTER OF

STATE OF RHODE ISLAND,  
UNIVERSITY OF RHODE ISLAND

AND

RI COUNCIL 94, ASFCME, AFL-CIO

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CASE NO: EE-3417

Unit Clarification: Sr. Building  
Inspector(s)

**ORDER OF DISMISSAL**

**Investigative Agent:** Martin E. Joyce, Jr.

**Petitioner:** RI COUNCIL 94, ASFCME, AFL-CIO

**Relief Sought:**

Accretion of the position of "Sr. Building Inspector" into the bargaining unit defined by case No. EE-3417.

**Date(s) of Informal Hearing:** March 27, 2000

**Date(s) of Field Investigation and Names and Titles of Interviewees:**

March 2, 2001: Bruce Peterson, Sr. Building Inspector

May 3, 2001: Mr. Peter M. Gagnon, Capital Projects and Facility Coordinator, Rhode Island Board of Governors for Higher Education.

**Administrative Procedure:**

After concluding the field investigation, the Board's Agent prepared a three (3) page written memorandum, outlining his discussions and findings regarding the position. A copy of the report was sent to the Union and the Employer, with directions to submit any written responses to the Board's Agent within thirty (30) days. On August 17, 2001 the Employer submitted a written response. In reaching the decision herein, the Board considered the contents of the investigator's report and exhibits, the written responses thereto and the bargaining history of this unit.<sup>1</sup>

**RELEVANT HISTORY OF THE BARGAINING UNIT**

**EE-3417:** On August 13, 1987, Council 94, AFSCME, AFL-CIO was certified to represent:

"Employees employed by the University of Rhode Island including the U.R.I. Extension employees, Adult Education and Alton Jones and School of Oceanography Employees (Marine Lab.) but excluding clerks, professional employees and supervisory employees."

The Employer stated, in its response, that the position of Sr. Building Construction Inspector was previously placed into this bargaining unit on September 19, 1993, as the result of a desk audit. The incumbent in that position is Mr. James Jones.

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The Investigator's report is hereby adopted and incorporated herein by reference.

## **DISCUSSION**

The Employer argues in this case that the positions sought are not Sr. Building Inspectors, but are "Construction Clerks". Additionally, the Employer (URI) argues that these employees are employed by the Board of Governors for Higher Education, not the University of Rhode Island. In support of its position, the Employer submitted copies of employment contracts signed by the Board of Governors for Higher Education and the three individual employees.

A review of these employment contracts supports the Employer's argument that these positions are indeed "Construction Clerks" and are indeed employed by the Board of Governors for Higher Education, not the University of Rhode Island. Therefore, since the Certification in Case No. EE-3417 is for employees of the University of Rhode Island, these positions are not eligible for inclusion within the proposed bargaining unit.

## **FINDINGS OF FACT**

- 1) The position of Sr. Building Construction Inspector is already included within the bargaining unit defined by Case No. EE-3417.
- 2) The positions sought in this case are actually "Construction Clerks".
- 3) The Employer of the three "Construction Clerks" is the Board of Governors for Higher Education, not the University of Rhode Island.

## **CONCLUSIONS OF LAW**

- 1) The positions sought are not eligible for inclusion within Case No. EE-3417.

## **ORDER**

- 1) Pursuant to R.I.G.L. 28-7-9 (d), the petition for the accretion of the position of "Sr. Building Inspector" (Construction Clerk) is hereby denied and dismissed.

RHODE ISLAND STATE LABOR RELATIONS BOARD

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Elizabeth S. Dolan, Member

Entered as an Order of the  
Rhode Island State Labor Relations Board

Dated: March 5, 2002

By: *Joan N. Brousseau*  
Joan N. Brousseau, Administrator